

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MOBILEMEDIA IDEAS LLC,	§	
	§	
Plaintiff,	§	Civil Action No. 3:11-cv-02353-N
	§	
v.	§	JURY TRIAL DEMANDED
	§	
RESEARCH IN MOTION LIMITED and	§	
RESEARCH IN MOTION	§	
CORPORATION,	§	
	§	
Defendants.	§	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S JANUARY 28, 2013 OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

On January 14, 2013, the Court ordered that, "all matters in this case are stayed pending the *filing* of a revised scheduling order." (Dkt. No. 341, "Order") (emphasis added). On January 17, 2013, the parties filed two proposed revised scheduling orders. (Dkt. No. 342).

Plaintiff MobileMedia Ideas LLC's ("MMI") suggests from this that there is a general stay in effect. By contrast, RIM understood the Order not as a general "pens down," but only to have stayed this case until the parties filed a revised scheduling order. In keeping with the parties' January 10, 2013 joint request that the trial date be continued, RIM also understood that the Order vacated the dates from the Court's prior Scheduling Order. (Dkt. Nos. 222, 340).

Because the required filing had occurred, RIM understood the stay to be lifted by the Order's own terms, and that matters such as discovery and motion practice could go forward in the normal course. Accordingly, RIM filed its corrected Motion to Dismiss for Lack of Standing ("RIM's Motion") on January 25, 2013.

While RIM has no objection to staying the remainder of the case, there is no reason to now stay RIM's Motion and related briefing. RIM's Motion is unrelated to either the entry of a

revised scheduling order or the issuance of a *Markman* order. It raises a significant substantive issue—whether MMI lacks standing to pursue this litigation—that will not be affected in any way by the schedule for the completion of discovery or the interpretation of disputed claim terms by the Court. There is thus no reason to delay briefing on this particular issue, and MMI cannot claim any prejudice from responding to RIM’s Motion. Pursuant to Local Rule 7.1(e), MMI’s response would be due by February 15, 2013.

Dated: January 31, 2013

By: /s/ John R. Emerson
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CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 31st day of January 2013.

/s/ John R. Emerson